

45. (New) The computer readable medium described in Claim 38 further comprising regulating the encoded media data being received from the selected media server using TCP/IP protocol.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

The specific changes to the amended claims are shown on a separate set of pages hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages the insertions are underlined while the deletions are stricken through.

Discussion of Objection to the Title

The Examiner has objected to the title as being not descriptive. Applicant, in accordance with the suggestion of the examiner has amended the title as follows:

--A MULTIMEDIA COMMUNICATIONS SYSTEM AND METHOD FOR PROVIDING AUDIO ON DEMAND TO SUBSCRIBERS--.

Amended drawings are provided herewith and are believed to overcome the objections regarding informality.

Discussion of Objections to the Claims

In the Office Action, the Examiner rejected Claims 1-8 and 16-17 as being unpatentable over Yurt et al. (Yurt), U.S. Patent No. 5,132,992 in view of Lightfoot et al. (Lightfoot), U.S. Patent No. 5,682,325.

Applicant has amended claim 1 upon which claims 2-8 are dependant to recite: "a computer-readable storage which contains server selection information for selecting a location where encoded media data is stored on one of a plurality of media servers, said CPU-processor operative to selecting one of said media servers for in which to establish a data communication connection based upon said server selection information..." As amended, the receiver claims storage with server selection information, (such a link, HTTP

address or any address, hypertext link or other information) which can be used in selecting location (such as a web page, memory location – whether virtual or physical, address or any information indicating an arrangement of content in memory) where encoded (such as by compression, encryption or other data formatting techniques) media data is stored on one of the media servers. Applicant could use such selection information to quickly access media data stored within a server, especially if the server contains a variety of content.

Yurt discloses a media receiver that can decompress requested material, but does not disclose a computer-readable storage for selecting one of a plurality of media servers. Yurt discloses a system in which data is transmitted to a customer in response to telephone operators who enter user requests directly into the system via a user terminal (column 14, lines 49 – 67) or telephone tone decoders (column 13, lines 61 – column 14, line 47). Further Yurt does not disclose server selection information for selecting a location on the media server where encoded media data is stored. There is no suggestion in Yurt as to how a remote terminal could connect to the Yurt system to cause such a system to transmit decompressed material to the customer.

Lightfoot discloses the use of gateways to enable a DET to communicate with a VIP. The customer is able to select a code of a service provider. Once a code is selected, the gateway enables the customer to communicate with the service provider. The gateway in Lightfoot is effectively a switch that enables content from one of the VIP's to be passed through to the customer. Lightfoot does not store encoded media data, the location of which can be addressed or accessed using server selection information. Nor does Lightfoot show or suggest storing on a computer readable storage the location of where the encoded media data is stored on the VIP as claimed by the applicant. Because there is no showing or suggestion in the cited references of features in amended claim 1 or of how one skilled in the art would combine Yurt and Lightfoot to practice amended claim 1 and receive a variety of media data stored on a server, it is believed that claim 1 is now in condition for allowance.

Applicant requests reconsideration of amended claims 2 and 3 that are dependant on independent claim 1. Amended claims 2 and 3 recite: wherein the encoded media data is streamed video data (claim 2) and streamed audio data (claim 3) in packet format.

None of the references cited show or suggest receiving data in packet format as recited in claim 2 or 3 and thus it is believed that these claims are now allowable.

Applicant requests reconsideration of claim 4, dependant on claim 1, and claim 16 rejected as being unpatentable over Yurt in view of Lightfoot. Amended claims 4 and 16 include data indicating the quality of the data transferred between the server and the receiver, and selecting the server based on such quality. As neither of the references show or suggest this feature, it thus is believed that these claims are now allowable.

Applicant requests reconsideration of amended claim 7 dependent on amended claim 1 rejected as being unpatentable over Yurt in view of Lightfoot. As amended, claim 7 recites an input device to indicate server selection information including the location where media data is stored on one of the media servers. As previously stated, neither of the references discloses indicating the location where media data is stored on one of the media servers. By indicating such location, the user can instantly access specific encoded media data the user wants to receive that is located on a server rather than having to receive a pre-programmed content (Lightfoot), or rely on an operator to supply such data (Yurt). As neither of the references show or suggest this feature, it thus is believed that these claims are now allowable.

Applicant requests reconsideration of amended claim 8, dependant on amended claim 1 rejected as being unpatentable over Yurt in view of Lightfoot. As amended, claim 8 recites "wherein said processor is operative to regulate the media data being received from the selected media server using TCP/IP". Neither Yurt nor Lightfoot disclose receiving media data being regulated using TCP/IP. Using such a protocol enables simplified access and/or more efficient use of bandwidth when receiving media content. As neither of the references show or suggest this feature, it thus is believed that these claims are now allowable.

Applicant has added new claims 30 – 37 which are directed to a method of receiving media data, and has added new claims 38-45 which are directed to a computer readable media. For the reasons set forth with respect to claims 1-8, it is believed that claims 30 – 45 are allowable.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments, which are not specifically discussed in the above remarks, are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions that may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend 1-8, and 16 as follows:

1. (Amended) A media receiver comprising:
 - a media data buffer for receiving encoded media data;
 - a ~~processor~~CPU for decoding said encoded media data; and
 - a computer-readable storage which contains server selection information for selecting a location where encoded media data is stored on one of a plurality of media servers, said ~~CPU-processor~~processor operative to selecting one of said media servers ~~for in which to establish a data communication connection~~ based upon said server selection information, ~~said receiver and~~ establishing a data communication connection with said selected media server, said media data buffer operative to receiving ~~receive~~ media data from said location on said selected media server, and said ~~CPU-processor~~processor operative to decoding ~~decode~~ said received encoded media data.
2. (Amended) The media receiver described in Claim 1 wherein said media data includes streamed video data in packet format.
3. (Amended) The media receiver described in Claim 1 wherein said media data includes streamed audio data in packet format.
4. (Amended) The media receiver described in Claim 1 wherein said server selection information includes data relating to the quality ~~of the respective data communication connection that can be established~~of media data from ~~with~~ each of said media servers.
5. (Amended) The media receiver described in Claim 4 wherein said server selection information includes data relating to the ~~geographic~~ locations within a computer-readable storage of said media servers.
6. (Amended) The media receiver described in Claim 5 wherein said CPU ~~processor is operative to transmit server selection information includes~~uses an address location data representing a location of said media receiving system to said selected media server.

7. (Amended) The media receiver described in Claim 6-1 ~~wherein further comprising an input device to indicate server selection information including the location where media data is stored on one of the media servers~~user of said media receiving system enters said location data representing said location of said media receiving system.

8. (Amended) The media receiver described in Claim 7 ~~1 wherein said media data includes video data wherein said processor is operative to regulate the media data being received from the selected media server using TCP/IP.~~

9. A server locator comprising:

a proximate server map stored in a computer-readable storage, said proximate server map containing information related to the geographic location of a first media server and information related to the geographic location of a second media server; and

a CPU using data representing a third geographic location and said information in said proximate server map to select one of said first or second media servers, said CPU operatively connected to said computer-readable storage.

10. The server locator described in Claim 9, wherein a user of the server locator enters said data representing said third geographic location.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Amended) A method of dynamically allocating a server/receiver pair, said method comprising the steps of:

transferring data over a communications link between a receiver and one of a plurality of servers;

providing data indicating a quality of the media data transferred over the~~each of a plurality of communication links, each of said communication links relating to a receiver and one of a plurality of servers;~~ and

selecting one of said servers to communicate with said receiver based upon determining a communication link passing media data with ~~to have a highest quality.~~

17. The method as described in Claim 16, wherein said server communicates audio data and said receiver comprises a standard PC.

18. A media communication system comprising:
a proximate server capable of communicating with a media server and with a PC, said media server including a computer-readable storage containing a set of media data; and

a data packet including a request message transmitted from said PC to said proximate server, said request message indicating a request for data included in said set of media data, said proximate server responding to said request message to issue a request to said media server for data in said set of media data, said proximate server receiving a portion of said data in said set of media data, and said proximate server transmitting said portion of said data to said PC.

19. The media communication system as described in Claim 18, wherein said proximate server sends said portion of said data to said PC before said proximate server receives all of said data in said set of media data.

20. The media communication system as described in Claim 19, wherein said portion of said data in said set of media data includes audio data.

21. The media communication system as described in Claim 19, wherein said portion of said data in said set of media data includes video data.

22. (Canceled)

23. A media communication system comprising:
a media server capable of communicating with a PC, said media server including a computer-readable storage;

a proximate server geography map stored in said computer-readable storage; and

a data packet including information corresponding to a geographic location of said PC, said media server accessing said proximate server geography map and using said geography map and said geographic location of said PC to determine a proximate server closest to said PC.

24. The media communication system described in Claim 23, wherein said information corresponding to said geographic location of said PC is a telephone number.

25. The media communication system as described in Claim 24, wherein said media server assigns said determined proximate server to said PC for future data communication.

26. The media communication system as described in Claim 23, wherein said media server provides audio data for real-time playback, said media communication system further comprising:

- a plurality of compressed audio data clips stored in said computer-readable storage; and

- a PC comprising:

- a buffer memory which receives compressed audio data as input and stores said compressed audio data;

- a CPU which communicates with said buffer memory and which controls input of data to and output of data from said buffer memory, and wherein said CPU further decompresses audio data output from said buffer memory;

- an audio driver circuit which receives decompressed audio data inputs from said decompressor; and

- an audio speaker or other audio transducer which plays said decompressed audio data provided by said audio driver; and

- wherein said standard PC initiates audio requests, receives audio data transmitted from said media server, and plays back said audio data in real-time.

27. The media communication system as described in Claim 26, wherein said media communication system transmits flow control information comprising:

- a plurality of stop markers; and

- a plurality of acknowledge markers different from said stop markers and interleaved between said stop markers, the interval between each acknowledge marker and the next stop marker being related to the time it takes to transmit data from a first location to a second location.

28. The media communication system as described in Claim 26, wherein said media server has a table of contents memory containing table of contents data associated with a corresponding audio data clip, and wherein said table of contents data indicates

significant divisions within said corresponding audio data clip; and wherein said PC further comprises:

- a table of contents buffer for receiving said table of contents data;
- an advance audio data buffer which contains audio data corresponding to audio data at said significant divisions in said audio data; and
- a display screen for displaying said table of contents.

29. A system for requesting and receiving a data file over a computer network, the system comprising:

- first and second servers connected to a computer network;
- a subscriber PC connected to said computer network;
- server selection apparatus for selecting one of said first or second servers, said server selection apparatus comprising:

- quality data related to a quality of communication links between said subscriber PC and each of said first and second servers; and

- selection instructions for selecting a server based on said quality data;

- media data transmission apparatus for transmitting data from said first server to said subscriber PC, said media data transmission apparatus comprising a net transport and flow control signals.

Please add Claims 30-45 as follows:

30. (New) A method of receiving encoded media data comprising:
selecting with a client computer a link corresponding to a location or address where the encoded media data is stored on one of a plurality of media servers;
establishing, in response to the selection, a data communication connection with the selected media server;
receiving the encoded media data from said location on said selected media server; and
decoding the received encoded media data.

31. (New) The method described in Claim 30 wherein said encoded media data includes streamed video data in packet format.

32. (New) The method described in Claim 30 wherein said encoded media data includes streamed audio data in packet format.
33. (New) The method described in Claim 30 wherein said server selection information includes data relating to the quality of media data from each of said media servers.
34. (New) The method described in Claim 30 further comprising displaying with the link data relating to an audio clip and/or a video clip stored on at least one of the media servers.
35. (New) The method described in Claim 30 further comprising:
receiving the encoded media data with a receiver,
transmitting an address representing a location of said receiver to the selected media server.
36. (New) The method as described in Claim 30 further comprising indicating the location where media data is stored on one of the media servers using an input device.
37. (New) The method described in Claim 30 further comprising regulating the media data being received from the selected media server using TCP/IP protocol.
38. (New) A computer readable medium having instructions when executed by a processor comprise:
indicating a link selection corresponding to a location where encoded media data is stored on one of a plurality of media servers;
establishing, in response to the link selection, a data communication connection with the selected media server;
receiving the encoded media data from said location on said selected media server; and
decoding the received encoded media data.
39. (New) The computer readable medium described in Claim 38 wherein said media data includes streamed video data.
40. (New) The computer readable medium described in Claim 38 wherein said media data includes streamed audio data.

41. (New) The computer readable medium described in Claim 38 wherein said server selection information includes data relating to the quality of media data from each of said media servers.

42. (New) The computer readable medium described in Claim 38 further comprising: indicating with said link a title of an audio clip and/or a video clip included in encoded media data and available on at least one of the media servers.

43. (New) The computer readable medium described in Claim 38 further comprising transmitting an address representing a location of a media receiving system that receives the encoded media data to the selected media server.

44. (New) The computer readable medium as described in Claim 38 further comprising indicating the location where media data is stored on one of the media servers in response to a signal from an input device.

45. (New) The computer readable medium described in Claim 38 further comprising regulating the encoded media data being received from the selected media server using TCP/IP protocol.